

April 21, 1980

CONGRESSIONAL RECORD—HOUSE

H 2667

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, April 22, 1980.

JEWISH HERITAGE WEEK

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 474) to authorize and request the President to issue a proclamation designating April 21 through April 28, 1980, as "Jewish Heritage Week."

The Clerk read as follows:

H.J. RES. 474

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the month of April contains events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day; Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 21 through April 28, 1980, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Virginia (Mr. HARRIS) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. HARRIS).

□ 1220

Mr. HARRIS. Mr. Speaker, House Joint Resolution 474 would authorize the President to issue a proclamation designating April 21 through 28, 1980, as "Jewish Heritage Week."

In previous years, Jewish Heritage Week has been very successful in terms of generating understanding and appreciation of the Jewish culture, history, and tradition.

Jewish Heritage Week recognizes the history of the Jewish people and their contributions to life in America. With the observance of Jewish Heritage Week we will also show our commitment to pursue the human rights of all those who have known fear and persecution. Most of all, it should remind us all to continue our struggle for world peace.

House Joint Resolution 474 has been cosponsored by 225 Members of the House.

Mr. Speaker, this legislation was introduced by Representative ADDABBO on January 22, 1980; since that time, more than one-half of the membership of the House has joined as cosponsors. In order to enact this legislation promptly the chairman of the committee, Mr. HANLEY, has consented to waive formal committee action.

Mr. Speaker, I reserve the remainder of my time.

Mr. DERWINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 474, designating the week of April 28, 1980, as "Jewish Heritage Week."

For the Jewish community the month of April is most significant. The Jewish Calendar contains such major events as Passover, the anniversary of the Warsaw ghetto uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day.

It is good not only to recognize the events which occur in the month of April, but also to bring them to the attention of the young men and women of the Nation. Throughout our Nation's history, the Jewish community has contributed to every facet of American life.

It is therefore fitting and appropriate that the week of April 28 be designated as "Jewish Heritage Week." I urge my colleagues to approve this resolution and recognize publicly the major role the Jewish people have played in contributing to our American heritage.

I have no further request for time and reserve the remainder of my time.

Mr. HARRIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ADDABBO).

(Mr. ADDABBO asked and was given permission to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, though I was very much disappointed that this resolution did not come before the House last week as expected, I am pleased that the committee has reported it for consideration today. I would like to thank my colleagues on the committee for their timely attention to this measure, with special gratitude to a distinguished fellow New Yorker, Mr. GARCIA.

Jewish Heritage Week is being celebrated in many areas of the country beginning today, and I strongly urge my colleagues to join me in support of this occasion. As you may now, several dates of major significance in the Jewish calendar are included in and around the scope of this week; which is traditionally a time of exploring the universal significance of these events.

Jewish Heritage Week is primarily an educational venture, and, as such, has met with wide success. I am hopeful that national recognition will further add to an appreciation of the culture, history, and traditions of the Jewish community, especially as they relate to the history and philosophy of our own country.

I am a firm believer that all the ethnic groups who helped found and nurture this great Nation of ours have made their own individual and collective con-

tributions. An understanding of the heritage of each, promotes a stronger bond among us all.

This effort, I and 225 other cosponsors have supported will encourage this intergroup understanding. I sincerely hope that others will join us at this time.

● Mr. OTTINGER. Mr. Speaker, I rise in support of House Joint Resolution 474, to authorize the President to issue a proclamation designating April 21 through April 28 as "Jewish Heritage Week." As a cosponsor of House Joint Resolution 474 I believe this measure makes a significant contribution toward promoting intergroup understanding amongst the diverse groups which have made this Nation great.

These particular dates are of major significance in the Jewish calendar. Passover, the anniversary of the Warsaw ghetto uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day all fall within or around its scope. Since 1977 New York has commemorated this week through educational programs which explore the universal significance of these events. Appreciation of the Jewish community's culture, history, and traditions in this way gives us the opportunity to acknowledge the contribution the Jewish people have made to our society and to reaffirm our commitment to promoting understanding amongst all peoples of this Nation and the world. At this critical time for the Jewish State of Israel, I urge you to join me in supporting this important resolution as an expression of our commitment to the realization of a world free from fear and persecution, and dedicated to peace and understanding. ●

Mr. HARRIS. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. OTTINGER). The question is on the motion offered by the gentleman from Virginia (Mr. HARRIS) that the House suspend the rules and pass the joint resolution (H.J. Res. 274).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SETTLEMENT OF CLAIMS FOR LOSSES FROM EVACUATING U.S. PERSONNEL FROM A FOREIGN COUNTRY

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6086) to provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection

H 2668

CONGRESSIONAL RECORD—HOUSE

April 21, 1980

with the evacuation of such personnel from a foreign country, as amended.

The Clerk read as follows:

H.R. 6086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 9. (a) Subject to any policies that the President may prescribe, the head of any agency, or his designee, may settle and pay not more than \$40,000 for any claim against the United States made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency for damage to, or loss of, personal property in a foreign country, incurred on or after December 31, 1978, which damage or loss was incident to the service of that member, officer, or employee, and

"(1) (A) that member, officer, or employee was evacuated from that country on or after December 31, 1978, in accordance with a recommendation or order of the Secretary of State or other competent authority which was made in response to incidents of political unrest or hostile acts by people in that country, and (B) that damage or loss resulted from that evacuation or from any such incident or hostile act; or

"(2) that damage or loss resulted from acts of mob violence, terrorist attacks, or other hostile acts, directed against the United States Government or its officers or employees.

"(b) The head of the agency, or his designee, authorized under subsection (a) to settle and pay a claim of a person described in such subsection may, if such person is deceased, settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sister, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this section. Claims of survivors shall be settled and paid in the order set forth in the preceding sentence.

"(c) A claim may be allowed under this section only if it is presented in writing within two years after the claim accrues, or within one year after the date of the enactment of this section, whichever is later.

"(d) The head of each agency shall issue regulations to carry out this section. The same standards applied in adjudicating a claim under section 3 of his Act shall be applied in adjudicating a claim under this section. Any claim to which this section applies but which has been adjudicated under section 3 of this Act by the applicable head of an agency before the date of the enactment of this section shall not be adjudicated under this section, but any amount of loss adjudicated under such section 3 in connection with that claim which has not been paid shall be payable to the extent permitted in this section.

"(e) Upon payment of a claim under this section, the United States shall, to the extent of the amount of such payment, be subrogated to any right or claim, with respect to the same damage or loss for which the claim under this section was paid, that the claimant may have against the foreign country in which that damage or loss occurred."

Sec. 2. No funds may be obligated or expended pursuant to the amendments made by this Act, for fiscal years beginning on or after October 1, 1980, except to the extent provided in advance in appropriation Acts. Any payments made pursuant to such amendments before October 1, 1980, may only

be made from funds appropriated before the date of enactment of the Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

(Mr. DANIELSON asked and was given permission to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, this bill, H.R. 6086, is to provide an avenue for very dramatic relief needed by some U.S. Government personnel. It stems from the fact that a year ago a number of American personnel were evacuated from Iran on very short notice and were compelled to leave behind them much, if not all, of their personal property. The existing law which would pertain to a similar situation provides for a ceiling of \$15,000 on claims for such loss or damage to the property of Government personnel which has been injured or damaged in a foreign country or as an incident to their Government service. On the occasion of the lamentable situation in Iran, Government personnel were compelled to evacuate on extremely short notice. Many of them were limited to carrying two suitcases, and they had to leave everything else they owned behind them. As a result, the \$15,000 limitation simply does not begin to make them whole in a very large number of cases. This is not the fault of those who were evacuated. Insurance could not be obtained to cover the loss situation that developed. Those who did have insurance to cover anything in excess of the \$15,000 limitation found that their insurance would not cover loss or damage under circumstances that would prevail, namely, under damage resulting from civil commotion. There is one insurance company which held that these people abandoned their property and, therefore, of course, they did not have to pay the insurance claims.

The subcommittee took a good deal of testimony on the matter. The bill was reported out unanimously by the subcommittee and also in the full Committee on the Judiciary. The limitation of \$40,000 covers most citizens involved. The committee report reflects there are very few claims which do exceed the limitation, but they are very few in number. It is deemed by both the subcommittee and the full committee that the \$40,000 limitation which is created by this bill will do justice to all concerned.

I would like to point out that this bill addresses itself only to the emergency situations comparable to that which would prevail in Iran. We have since that time had two similar situations, one when the U.S. Embassy in Pakistan was taken over by a mob about a year ago and burned to the ground. Many of the

people lost everything that they owned. They all had to be evacuated in 24 hours. There was a similar situation in Libya later in 1979. I believe the amount of damage was very small in that case.

The \$40,000 limitation will apply only to the emergency evacuation type of case and not to the situation of an ordinary traditional loss of or damage to property.

Mr. Speaker, the bill, H.R. 6086, provides for the settlement and payment of claims of U.S. civilian and military personnel for losses of their personal property resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.

This would be accomplished by adding a new section 9 to the Military Personnel and Civilian Employees' Claims Act of 1964. The new section would authorize the head of any agency to pay a military member or a civilian employee for damage or loss of personal property in a foreign country suffered incident to that individual's service for damage or loss resulting from either an evacuation of U.S. personnel in response to political unrest or hostile acts in that country or from any such incident or hostile act, or from acts of mob violence, terrorist attacks or other hostile acts, directed against the U.S. Government or its officers or employees.

This new authority would make it possible to compensate U.S. personnel for property lost, damaged or abandoned when the Government has authorized an evacuation, and the loss results from that evacuation or was caused by the incident or hostile action which prompted the evacuation. As I have stated, the amended bill would also provide authority to pay for loss or damage to property in a foreign country resulting from mob violence, terrorist attacks or other hostile acts directed against the United States or its personnel. The bill provides a ceiling of \$40,000 on compensable claims to apply to a settlement for the depreciated value of the lost, damaged or abandoned personal property.

Since the amendments are effective on and after December 31, 1978, the provisions of the new section would apply to losses sustained by Federal personnel evacuated from Iran in 1979, and in the violence in Pakistan in November of 1979, and in Libya in December of 1979, both of which also prompted evacuations.

The mob violence which was recently directed against the U.S. Foreign Service posts in Pakistan and Libya illustrates the problem faced by our personnel overseas. The State Department in testimony before the subcommittee pointed out that personnel might not be evacuated in all such instances. It was pointed out that such events might not lead to an evacuation because of political considerations or because a host government takes immediate steps to prevent recurrence of such incidents. As I stated at the outset, the amended bill would provide the necessary authority to pay losses in such cases as well.

At the hearing held on the bill H.R. 6086 and companion measures on February 6, 1980, it was also pointed out that

April 21, 1980

CONGRESSIONAL RECORD—HOUSE

H 2669

the circumstances which prompted evacuations, and cases where damage resulting from mob violence, terrorist attacks and hostile acts involved instances in which personnel cannot protect their possessions by obtaining insurance. Where employees and military personnel have obtained insurance to protect their belongings in foreign countries, the policies have exclusions for damage resulting from such acts. As a practical matter, for such losses in overseas areas, insurance against the increased risks of loss occasioned by political unrest, civil disorders, and forced abandonment of personnel property is simply unavailable. The committee has been advised that, in fact, many Iranian evacuees who thought they had insurance against such risks were shocked and dismayed when they later were informed by their insurance carriers to the contrary.

The amended bill now being considered under suspension in section 2 obviates any possible difficulty concerning the Budget Act by providing that any payments made before October 1, 1980, can only be made from funds appropriated and made available before the enactment of this bill and by requiring any expenditures for fiscal years beginning October 1, 1980 must be provided in advance by appropriation acts.

The testimony presented at the hearing on February 6, 1980, by the Department of State and Justice supporting this legislation and the information supplied the committee by those Departments in addition to that testimony establish a clear basis and define the need for the amendment provided for in the amended bill. It is urged that the amended bill be considered favorably.

Mr. Speaker, I reserve the remainder of my time.

Mr. MOORHEAD of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOORHEAD of California asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD of California. Mr. Speaker, all Americans continue to share a genuine frustration and deep outrage over the illegal confinement of the American hostages in Iran. Our hearts go out to the hostages and their families, with the hope that there will be a favorable resolution of this situation very soon.

The mob seizure of the U.S. Embassy in Tehran symbolizes a frightening trend in the world—a disregard for the basic principles of international law and diplomatic immunity. The current turmoil in Iran and similar incidents that have occurred in Pakistan and Libya demonstrate the vulnerability of American governmental personnel when serving overseas.

The legislation we consider today does not deal with the personal safety of such American personnel. I know of no way we can do that by legislation. But it will provide a remedy for the serious economic consequences that are suffered as the result of such unlawful action. H.R. 6086 would amend the Military Person-

nel and Civilian Employees' Claims Act so as to permit a maximum recovery of up to \$40,000 for losses of personal property and household effects by military personnel and Federal civilian employees serving overseas. The \$40,000 maximum would apply only in those instances where the loss is incident to Federal service and directly results from political unrest or hostile acts in a foreign country directed against the United States, its representatives, or employees. This measure would reimburse the American hostages in Iran and their families for such losses. In addition, it would establish an ongoing program to deal with similar situations in the future.

This bill, which I cosponsored with Administrative Law Subcommittee Chairman GEORGE DANIELSON, does not alter the existing \$15,000 maximum for claims based upon routine property losses. That is, moving from one employment station to another. Our approach, instead, was to establish a separate claims category for the unique situation of losses resulting from terrorism, mob violence and the emergency evacuations made necessary by such situations. The \$40,000 maximum claim amount is made retroactive to December 31, 1978, to insure that those military personnel, Foreign Service officers and other Federal employees who were present in Iran at the outbreak of the revolution will be the first to benefit from these new claims provisions. The administration supports this legislation. Our subcommittee received testimony from both the Department of State and the Department of Defense calling for legislation which at least would deal with "Iranian-type" emergencies.

I strongly urge that the House of Representatives suspend the rules and pass H.R. 6086.

□ 1230

Mr. Speaker, the honorable gentleman from Illinois (Mr. McCLORY), who serves as ranking Republican on the full Judiciary Committee, is absent today because of other congressional business; however, he is fully behind this legislation, and if present would speak in favor thereof.

● Mr. McCLORY. Mr. Speaker, I want to express my full support for what is a judicious legislative solution to a growing and serious problem. H.R. 6086 would amend the Military Personnel and Civilian Employees' Claims Act, so as to permit the reimbursement of governmental personnel for personal property damage or losses incurred while serving in foreign countries. The current statutory maximum allowed for such claims is now \$15,000. Under this measure it would be raised to a maximum of \$40,000 in certain special circumstances.

However, this amendment requires that the losses be incident to governmental service and, in addition, must have occurred as a result of two alternatives. These are: First, the individual was authorized to be evacuated from a foreign country on or after December 31, 1978, in response to political unrest or hostile acts, and the losses resulted from evacuation from such hostilities; or second, the losses resulted from mob violence or hostile acts directed against the

U.S. Government or its employees. The reason for the retroactive feature is to insure that those Americans who have suffered as a result of the upheaval in Iran will benefit from these new provisions.

The Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee heard testimony from administration witnesses on February 6, 1980. They and other witnesses urged us to raise the \$15,000 statutory ceiling across the board. However, as a result of these hearings, our subcommittee was unconvinced that the case had been made to raise the \$15,000 limit for routine losses of personal property and household goods. Instead, the subcommittee chose to create a new section in the Military Personnel and Civilian Employees' Claims Act to deal with emergency evacuation claims and losses resulting from terrorist acts.

The bill the House considers today was cosponsored by the chairman of the Administrative Law Subcommittee, Mr. DANIELSON of California, and the ranking Republican on the subcommittee, Mr. MOORHEAD of California. I congratulate both of the honorable gentlemen from California for their leadership and efforts to resolve this problem.

I urge the House to support H.R. 6086.●

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6086.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIELSON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 6086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country."

A motion to reconsider was laid on the table.

PRESIDENT CARTER'S RASH THREAT

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, President Carter's seemingly casual statement in an interview that military ac-

H 2670

CONGRESSIONAL RECORD—HOUSE

April 21, 1980

tion will have to be taken against Iran if the hostages are not released in the next few weeks is nothing less than terrifying.

Surely a decision of this magnitude should be taken only after thorough review within the administration and after the most careful consultation with the Congress. Indeed, in view of the fact that there is ample time available for such review and consultation, the War Powers Act requires congressional involvement before such military action could be undertaken.

Most Americans are deeply frustrated and angered by the irrational behavior of the current regime in Iran, but the last thing we ought to do is to lose our tempers and act irrationally ourselves.

The most commonly mentioned form of military action is a blockade by mining of Iran's port facilities. Is there a shred of evidence to suggest that Ayatollah Khomeini and Iran's Revolutionary Council would buckle under to such pressure. It seems more likely that Iran's fanatic leaders would welcome the martyrdom entailed and would proclaim to the world that America's acts of violence confirm the charges they have been making of our demonic nature.

Embarking on military action would lose us the sympathy and support we have had up to now among Moslem nations and would embarrass and damage our allies. Even more seriously, it might well result in active Soviet involvement in support of Iran.

The President should ask himself who it is among us that wants the United States to engage in acts of war against Iran. Surely not the hostages or their families. Being incarcerated month after month is hideously painful, but it is not to be compared with death.

True, the American people seem to have grown more and more dissatisfied by the President's policy of economic pressure, but that is not to say that they want acts of war. If the President must suffer politically because of the American voter's frustration at the lack of results in Iran, then he must have the fortitude and the integrity to accept that. For him to embark on a rash and ill-considered course of action in a frantic search for votes would condemn him in the eyes of history.

Perhaps the President's casually stated threat does not represent the administration's policy. I hope that is the case, even though it would once again present this Presidency as a wildly erratic one.

But if the case is otherwise, and the threat represents a considered policy, then the leadership of this Congress must demand that the Congress be fully involved in the decision before it becomes final, as the Constitution and the War Powers Act require.

In today's Washington Post, the distinguished columnist Clayton Fritchey makes essentially these same points, far more eloquently than I can do. His column follows:

MIXED SIGNALS ON IRAN

(By Clayton Fritchey)

It is not surprising that America's allies feel imposed upon in being required—with-

out prior consultation—to reinforce a White House crackdown on Iran about which they have grave misgivings. However, if it's any comfort to our foreign friends, they are not alone in being ignored by the president in the formulation of a policy that could well lead to military involvement. Congress has not been consulted either.

There is no law, of course, obliging the president to get a green light in advance from the allies, but there is one—the 1973 War Powers Resolution—that requires prior consultation with Congress on military initiatives, except in an "emergency" when there is no time to consult.

For the last two weeks or so, Carter and his spokesmen have been threatening to take drastic steps that "might very well involve military means" if the economic sanctions already imposed fail to free the hostages. The time for decision, says Zbigniew Brzezinski, the national security advisor, is "a matter of weeks at the most."

Nobody in the administration is counting on the present sanctions (largely symbolic), or the severing of diplomatic relations with Iran, to win the release of the hostages. Hence, the United States is on the brink of what Carter says "would be very strong and forceful" action. Both a naval blockade and the aerial mining of Iranian oil ports have been intimated.

The president's tough new posture has been described by his press secretary as a public relations triumph, which it may be for the moment. But in adopting it, Carter has paid scant heed to the War Powers Act that was enacted in the wake of Vietnam to inhibit chief executives from initiating military moves entirely on their own.

It may be that Carter intends to consult Congress before using the armed forces. If so, the time to do it is now—not at the last minute, or after the fact. It also may be that he has privately confided in some of his friends on the Hill, but there is no record of it.

In any case, that's not the kind of broad conferring called for in Section 3 of the 1973 resolution. It provides that "the president in every possible instance shall consult with Congress before introducing U.S. armed forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The resolution further says that the president's powers in such situations "are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."

Pat Holt was chief of staff of the Senate Foreign Relations Committee when the resolution was debated and adopted. This is the way he interprets it:

"Since both a declaration of war and specific statutory authorization require an act of Congress, this means that the president can act on his own authority in the case of hostilities or of an imminent threat of hostilities only when there is a national emergency caused by an attack on U.S. territory or on U.S. armed forces. This does not include a national emergency arising from other causes; nor does it include attacks on civilian Americans."

The dilemma of our European and Asian partners has aroused sympathy in unexpected quarters. Ronald Reagan, for instance, is saying, "A long string of conflicting signals from the White House, State Department and the National Security Council to the allies clearly is causing them to wonder if the Carter administration really knows what it is doing." He has a point.

The allies, being so dependent on Persian Gulf oil, naturally are not eager to join the United States in economic and diplomatic warfare against Iran, let alone military involvement. They feel it would not only be

against their best interests, but against the best interests of the alliance as well.

There is also concern here and abroad that a resort to raw force could be fatal for the hostages and jeopardize the long-range interests of the United States in the whole area, especially if Iran, in desperation, should turn to neighboring Russia for help.

Since Carter pursued a constructive policy of patience and quiet diplomacy for almost six months, why not extend it for a couple of more months to give the new Iranian parliament, now being elected, a chance to resolve the hostage question, as proposed by Ayatollah Khomeini? Even if it turns out to be just another delaying tactic, there is little to lose.

The danger to the hostages, who have been well treated, is not losing their liberty between now and summer, but the possibility of losing their lives if U.S. armed force is invoked. Being confined is no picnic, but it is certainly better than being killed.

GRACIOUS OFFER OF GEORGIA O'KEEFFE REFUSED BY NATIONAL PARK SERVICE

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, we in New Mexico are very proud of the accomplishments of the world famous artist Georgia O'Keeffe. Her brilliant portrayals of the New Mexico landscape and other masterpieces have brought pleasure to millions.

As you may know, Georgia O'Keeffe resides in northern New Mexico and recently made a most gracious offer to the Government and the people of the United States. She offered to donate her home and studio to the National Park Service for conversion into a national historic site. But incredibly the Park Service rejected the offer.

The events surrounding this rejection are most curious and very disturbing. The Albuquerque Journal recently editorialized about this strange governmental saga and today I am submitting it for review by my colleagues. The editorial thoughtfully sums up the situation and urges this body to approve Miss O'Keeffe's home and studio as a national historic site. I have introduced legislation that would realize that goal. It is currently being studied by the House Interior Committee.

Despite the reluctance of the Park Service to recognize the value and cultural significance of this proposal, I am sure the Congress will disagree. The editorial follows:

"GIFT HORSE" REJECTED

The U.S. National Park Service's thank-but-no-thanks response to New Mexico artist Georgia O'Keeffe's offer of her home and studio for conversion into a national historic site leaves the artist's New Mexico neighbors puzzled and dismayed.

The most logical and acceptable explanation for the federal agency's bent to treat the O'Keeffe property as a gift horse—budgetary problems—offered an excuse the Park Service did not see fit to invoke. To accept the property would be to assume obligations for its maintenance in perpetuity and for the accommodation and supervision of visitors to the historic site.

The facts refute and invalidate the one reason offered by the Park Service: that the agency's rules provide that "properties